

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

JOE CLARK MITCHELL,

Petitioner,

v.

JOHN REES, Warden,

Respondent.

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)  
) NO. 1:93-0073  
) JUDGE HAYNES  
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**ORDER**


In accordance with the Memorandum filed herewith, the Petitioner's motion for relief under Fed. R. Civ. P. 60(b)(6) (Docket Entry No. 151) is **GRANTED** and this Court's Final Judgment (Docket Entry 144) is **AMENDED** to grant the writ of habeas corpus, subject to the State's retrial of the Petitioner within 120 days from the date of entry of this Order.

The Respondent shall have ten (10) days from the date of entry of this Order to file any application for permission to appeal under 28 U.S.C. §2253(c).

This is the Final Order in this action.

It is so **ORDERED**.

Entered this the 20<sup>th</sup> day of April, 2006.

  
William J. Haynes, Jr.  
United States District Judge